

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor:	Christian WENGERTER et al.	Art Unit 2618
Appln. No.:	10/578,262	Exr. B. Safaipoor
Filed:	May 4, 2006	Conf. No. 2098
For:	TRANSMISSION POWER RANGE SETTING DURING CHANNEL ASSIGNMENT FOR INTERFERENCE BALANCING IN A CELLULAR WIRELESS COMMUNICATION SYSTEM	

COVER LETTER ACCOMPANYING SUBMISSION OF TERMINAL DISCLAIMER, AND
REQUEST FOR CHANGE OF 371(C) DATE IN PAIR FOR CO-PENDING APPLICATION

Assistant Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant's acknowledge with appreciation the issuance of the Notice of Allowance dated September 17, 2010, in the above-mentioned application.

The Terminal Disclaimer filed on August 17, 2010, in response to the Final Rejection of June 8, 2010, was disapproved on September 18, 2010. The two reasons for disapproval are listed as follows. First, the Filing or 371(c) Date of co-pending application no. 10/577,710 listed on the Terminal Disclaimer differs from the Filing or 371(c) Date provided in PAIR for 10/577,710. Second, the Terminal Disclaimer cited "35 USC 154 to 156 and 173," instead of "35 USC 154 and 173." The Terminal Disclaimer submitted herewith has been amended to omit the language "to 156".

The discrepancy between the Filing or 371(c) Date of co-pending application no. 10/577,710 listed on the Terminal Disclaimer and the Filing or 371(c) Date provided in PAIR is the result of an incorrect Filing or 371(c) Date provided in PAIR. The Date of Receipt and Completion of 35 U.S.C. 371 Requirements in co-pending application no. 10/577,710 is incorrectly listed in PAIR as April 8, 2009. The executed declaration, containing signatures of all inventors and identifying the application by the international filing number and international filing date, was filed on August 24, 2006, along with the appropriate fee surcharge.

In response to the Notice to File Missing Requirements under 35 U.S.C. 371, dated March 2, 2009, in co-pending application no. 10/577,710, requesting the executed declaration, Applicants submitted a Response to and Request for Withdrawal of Notice to File Missing Parts on April 8, 2009. A copy of the date-stamped docket sheet reflecting receipt in the USPTO of the executed declaration and fee surcharge on August 24, 2006, a copy of the executed declaration, and a copy of check stub no. 44373 confirming payment of the fee surcharge were attached thereto. It is noted that PAIR contains copies of all these documents.

The Notice of Acceptance of Application that issued on May 26, 2009, in co-pending application no. 10/577,710, as well as the Filing or 371(c) Date in PAIR, erroneously indicate the Date of Receipt and Completion of 35 U.S.C. 371 Requirements as April 8, 2009, instead of the correct date of August 24, 2006. Applicants have submitted a request in co-pending application no. 10/577,710 that the Filing or 371(c) date in PAIR be corrected to accurately reflect the date of receipt in the PTO of the executed declaration and fee surcharge.

The correct Filing or 371(c) Date of August 24, 2006, is listed for co-pending application no. 10/577,710 on the Terminal Disclaimer submitted herewith.

If any issues remain which may best be resolved through a telephone communication, the examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

James E. Ledbetter
Registration No. 28,732

Date: November 17, 2010
JEL/att

ATTORNEY DOCKET NO. 007725-06108
DICKINSON WRIGHT PLLC
1875 Eye Street, N.W., Suite 1200
Washington, D.C. 20006
Telephone: (202) 457-0160
Facsimile: (202) 659-1559